

DECISION



Moulton

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

19986

FILE: B-203807

DATE: November 9, 1981

MATTER OF: CRA, Inc.

DIGEST:

Protest after award that terms of solicitation improperly restricted competition is untimely filed. GAO Bid Protest Procedures require that protests based on apparent solicitation improprieties be filed before bid opening or closing date for receipt of initial proposals.

CRA, Inc. (CRA), has submitted a protest under invitation for bids (IFB) No. DACW31-81-B-0022 issued by the Department of the Army, Baltimore District, Corps of Engineers, for the lease, installation, and maintenance of five Honeywell computers. Bids were opened under the IFB on June 2, 1981; award was thereafter made to Honeywell on June 8, 1981.

By letter of June 22, 1981, CRA alleged that the IFB required bidders to bid all "equipment, maintenance, software and support" and that the IFB, therefore, improperly eliminated "anyone except the manufacturer, in most cases, from bidding" on the procurement.

Since the alleged improper requirement was apparent from the face of the IFB, a protest on this ground should have been made before the bid opening in order to be timely. In this regard, section 21.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. part 21 (1981), requires protests based on apparent solicitation improprieties to be filed prior to bid opening. CRA's protest, filed after award, is therefore untimely.

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Accordingly, the protest is dismissed.

J. H. Barclay Jr.
For Harry R. Van Cleve
Acting General Counsel